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January 26, 2001

Darlene Y. F. Itomura  
Wong, Oshima & Kondo  
Attorneys at Law, A Law Corporation  
Davies Pacific Center, Suite 1600  
Honolulu, HI 96813

RE: BACKMAN, DANIEL  
Employer: First Insurance Company of Hawaii, Inc.  
D/Accident: 7/31/97  
Case No: 7-99-00534  
Claim No: 2J029128  
File No: 00-001-32

Dear Ms. Itomura:

Thank you for your letter, dated 1/19/01, with the enclosed records from Jon Graham, M.D., Aziz Razzuk, M.D., and a cervical spine MRI report, dated 12/15/00.

After reviewing the request for C4-5 microforaminotomy, as well as the results of the 12/15/00 cervical MRI scan, I am somewhat unclear as to how a selection of a C4-5 procedure was made. I would note that the abnormalities on the cervical MRI are at the C3-4 level. I would, therefore, appreciate a copy of Dr. Graham's note on this patient discussing selection of the surgical procedure. It certainly is true that the patient has minimal changes at C3-4, and he is already fused at C4-5 and is, therefore, not a candidate for anterior cervical discectomy at the 4-5 level. My earlier suggestion of discogram of course, can no longer be done at the C4-5 level because of anterior fusion. However, it might help elucidate whether the symptoms are coming from the 3-4 level instead.

Again, it is certainly true that the patient's clinical picture does not clearly indicate any one particular level as the source of his pain. Has further EMG testing been done and

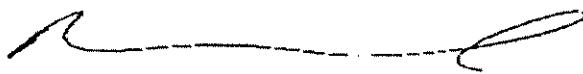
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has this indicated some pathology at the 4-5 level? As I said, I think this should be elucidated by Dr. graham's note, which I did not have for review.

With regard to the need for further non-surgical treatment, I believe his non-surgical options have been exhausted, and have not been very effective in alleviating his pain. I therefore do not feel that further conservative care is likely to improve his condition.

If you have any further questions, do not hesitate to contact me at the Honolulu Sports Medical Clinic, Inc.

Sincerely,



Peter E. Diamond, M.D.

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